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WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER HAGEMAN, MARK	
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			3653	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/718,362	CAPORALI, MICHAEL E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Hageman	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-10 and 12- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashbrook, in view of US 6,715,614 to Pippin et al. Ashbrook discloses a bottom defining a substantially planar surface having a length and a width (Fig. 1), wherein at least one of the length and the width substantially corresponds to at least one of a length and width of the standard mail sorting bin; and at least one support (9) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation. Ashbrook fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+).

Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

3. With regards to claim 2, Ashbrook further discloses the insert comprises a lightweight material (page 1, lines 20+).
4. With regards to claim 4, Ashbrook further discloses the insert comprises two supports (Fig. 1).
5. With regards to claim 5, Ashbrook further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two support have substantially triangular-shaped cross sections (Fig. 1).
6. With regards to claim 6, Ashbrook further discloses the at least one support has a triangular-shaped cross section (Fig. 1).
7. With regards to claim 7, Ashbrook further discloses the bottom and at least one support are created from a single piece of material (5).

8. With regards to claim 8, Ashbrook further discloses the at least one support is created by folding the single piece of material (page 1, lines 20+).

9. With regards to claim 9, Ashbrook further discloses at least one substantially rigid, substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter (Fig. 1). Ashbrook does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin. Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+).

Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

10. With regards to claim 10, Ashbrook further discloses the insert comprises a lightweight material (page 1, lines 20+).

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11. With regards to claim 12, Ashbrook further discloses the insert has two substantially vertical sections (Fig. 1).
12. With regards to claim 13, Ashbrook further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 1).
13. With regards to claim 15, Ashbrook further discloses the insert comprises a single piece of material (page 1, lines 20+).
14. With regards to claim 16, Ashbrook further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (page 1, lines 20+).
15. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

16. With regards to claim 18, Ashbrook further discloses the insert comprises an anti-slip surface (page 1, lines 20+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.
17. With regards to claim 19, Ashbrook further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin; and a plurality of substantially vertical supports attached to

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the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 1). Ashbrook fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

18. With regards to claim 20, Ashbrook further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two

adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation (Fig. 1; page 1, lines 20+)

Ashbrook does not disclose the support having a height of approximately 11 inches.

Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+) for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

19. With regards to claim 21, Ashbrook further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold on the lower surface line permits a third section to rotate with respect to an adjacent fourth section in the other direction (Fig. 1; page 1, lines 20+).

20. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately

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11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

21. Claims 1-13 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Pippin. Lambert discloses a bottom defining a substantially planar surface (35) having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a mail sorting bin; and at least one support (13) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation. Lambert fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Examiner

contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have modified Lambert to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery.

22. With regards to claim 2, Lambert further discloses the insert comprises a lightweight material (col. 3, lines 14+).

23. With regards to claim 3, Lambert further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

24. With regards to claim 4, Lambert further discloses the insert comprises two supports (Fig. 2).

25. With regards to claim 5, Lambert further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two supports have substantially triangular-shaped cross sections (Fig. 2).

26. With regards to claim 6, Lambert further discloses the at least one support has a triangular-shaped cross section (Fig. 2).

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27. With regards to claim 7, Lambert further discloses the bottom and at least one support are created from a single piece of material (col. 3, lines 14+).

28. With regards to claim 8, Lambert further discloses the at least one support is created by folding the single piece of material (col. 3, lines 14+).

29. With regards to claim 9, Lambert further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter (Fig. 2). Lambert does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin. Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

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30. With regards to claim 10, Lambert further discloses the insert comprises a lightweight material (col. 3, lines 14+).

31. With regards to claim 11, Lambert further discloses the lightweight material is selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

32. With regards to claim 12, Lambert further discloses the insert has two substantially vertical sections (Fig. 2).

33. With regards to claim 13, Lambert further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 2).

34. With regards to claim 15, Lambert further discloses the insert comprises a single piece of material (col. 3, lines 14+).

35. With regards to claim 16, Lambert further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 3, lines 14+).

36. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

37. With regards to claim 18, Lambert further discloses the insert comprises an anti-slip surface (col. 3, lines 14+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

38. With regards to claim 19, Lambert further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 2). Lambert fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail

sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

39. With regards to claim 20, the reference further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation, (col. 3, lines 14+). Lambert does not disclose the support having a height of approximately 11 inches. Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+) for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

40. With regards to claim 21, the reference further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the

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upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold line on the lower surface permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 3, lines 14+).

41. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

42. Claims 1-13 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henig in view of Pippin. Henig discloses a bottom (2a) defining a substantially planar surface having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a standard mail bin as defined by the postal service; and at least one support (7a, 3)

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projecting upright from the bottom, wherein the support (3) is sized and configured to support flat mail in a substantially vertical orientation (Fig. 11). Henig fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Examiner contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Henig device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery.

43. With regards to claim 2, Henig further discloses the insert comprises a lightweight material (col. 7, lines 10+).

44. With regards to claim 3, Henig further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 7, lines 10+).

45. With regards to claim 4, Henig further discloses the insert comprises two supports (Fig. 11).

46. With regards to claim 5, Henig further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two supports have substantially triangular-shaped cross sections (Fig. 11).

47. With regards to claim 6, Henig further discloses the at least one support has a triangular-shaped cross section (Fig. 11).

48. With regards to claim 7, Henig further discloses the bottom and at least one support are created from a single piece of material (col. 7, lines 10+).

49. With regards to claim 8, Henig further discloses the at least one support is created by folding the single piece of material (col. 7, lines 10+).

50. With regards to claim 9, the reference further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter (Fig. 11). Henig does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin.

Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+).

Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language "constructed to be disposed within a mail sorting bin" is

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functional and the Henig insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

51. With regards to claim 10, Henig further discloses the insert comprises a lightweight material (col. 7, lines 10+).

52. With regards to claim 11, Henig further discloses the lightweight material is selected from the group consisting of cardboard; plastic, wood, and composites (col. 7, lines 10+).

53. With regards to claim 12, Henig further discloses the insert has two substantially vertical sections (Fig. 11).

54. With regards to claim 13, Henig further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 11).

55. With regards to claim 15, Henig further discloses the insert comprises a single piece of material (col. 7, lines 10+).

56. With regards to claim 16, Henig further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 7, lines 10+).

57. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

58. With regards to claim 18, Henig further discloses the insert comprises an anti-slip surface (col. 7, lines 10+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

59. With regards to claim 19, the reference further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service; and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 11). Henig fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of

allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+).

Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Henig insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

60. With regards to claim 20, Henig further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation (col. 7, lines 10+). Henig does not disclose the support having a height of approximately 11 inches. Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+) for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language “constructed to be disposed within a mail sorting bin” is

functional and the Henig device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

61. With regards to claim 21, Henig further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold on the lower surface line permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 7, lines 10+).

62. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately

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11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

### ***Response to Arguments***

63. Applicant's arguments filed 4-23-2007 have been fully considered but they are not persuasive. Regarding the rejection under Ashbrook in view of Pippin applicant stated that "placing the envelope holder of Ashbrook in the flats tub or letters tray 50 of Pippin would prevent the envelope holder from being disposed within a desk drawer, thereby thwarting its principle use." Examiner disagrees and reminds applicant that the tray of holder of Ashbrook is not being placed in a flats tub or letter tray but rather being resized such that it would fit within the flats tub as taught by Pippin. Examiner further contends that such a resizing would be obvious to one ordinary skill in the art and would not prevent the holder from being disposed in a desk drawer. Examiner points out that many desk drawers designed to hold hanging folders would readily accommodate the modified holder set forth. Regarding the height of the dividers examiner contends that the shape of the sections would allow access to the contents even in the instance when the dividers were taller than the envelopes being stored. Furthermore envelopes come in many sizes (two different sizes are shown in Ashbrook figure 1) therefore in use with larger envelopes taller dividers would be beneficial. Examiner also points out that Ashbrook discloses "but obviously, it is not restricted to use within a drawer nor to the holding of envelopes."

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64. Relative to all three primary references in view of Pippin applicant has stated that the combination presents a "substantial reconstruction and redesign of the" primary device "resulting in a change of its very purpose." Examiner disagrees and contends that the proposed combinations only involve changing the size of components, which is obvious in view of the Pippin reference for the reasons stated in the respective rejections.

65. Regarding Lambert in view of Pippin applicant has stated "because the record keeping tray is not used for mail delivery" that it would not have been obvious to combine it in view of Pippin. Examiner disagrees and contends that there is no reason the Lambert device could not be used for mail delivery and furthermore there is no teaching or structure that precludes its use for mail delivery. The Lambert device provides a structure that maintains an order of items placed therefore would make it useful in mail sorting and delivery.

66. Regarding the rejection under Henig in view of Pippin Examiner reiterates that the Pippin reference is relied upon to resize the Henig device such that it could be placed in the flats tub etc. Examiner contends while the mail sorting bin is referenced in the claims it is not claimed in way such that its presence is required. The claims only require an insert sized in various ways that correspond to a mail sorting bin.

Furthermore Examiner contends that Henig is used in sorting mail and therefore disagrees with applicant's remarks regarding the different purposes or uses of the Henig and Pippin devices. Examiner reminds applicant that the Pippin reference is only be used to resize the Henig device for the reasons set forth in the rejection. Examiner

maintains that these resizings would have been obvious to one of ordinary skill in the art and do not constitute a substantial redesign or reconstruction as argued by applicant.

### ***Conclusion***

67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

68. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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